



Office of Congressional and Public Affairs

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NLRB Announces Modifications to Representation Case Procedures

WASHINGTON, DC, December 13, 2019 – The NLRB today announced a series of modifications to the Agency’s representation case procedures. Retaining the essentials of the Agency’s existing representation rules, the selective changes create a fairer and more-efficient election process.

The modifications include clarifications to procedures prior to an election that better ensure the opportunity for litigation and resolution of unit scope and voter eligibility issues. The changes also permit parties additional time to comply with the various pre-election requirements instituted in 2014.

Of the final rule, Chairman John F. Ring said, “These are common sense changes to ensure expeditious elections that are fair and efficient. The new procedures will allow workers to be informed of their rights and will simplify the representation process to the benefit of all parties.”

The Board issued the procedural changes as a final rule pursuant to its authority to change its own representation case procedures.

Chairman Ring was joined by Board Members Marvin E. Kaplan and William J. Emanuel in issuing the proposed rulemaking. Board Member Lauren McFerran dissented. The final rule will be effective 120 days from the date of publication in the Federal Register, which is anticipated to be December 18, 2019.

Established in 1935, the National Labor Relations Board is an independent federal agency that protects employees, employers, and unions from unfair labor practices and protects the right of private sector employees to join together, with or without a union, to improve wages, benefits and working conditions. The NLRB conducts hundreds of workplace elections and investigates thousands of unfair labor practice charges each year.

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